

S.I. No. 165 of 2001

**Diseases of Animals (Bovine Spongiform Encephalopathy)  
(Specified Risk Material) (Amendment) Order, 2001**

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 3, 13 and 27 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order, 1999 (S.I. No. 307 of 1999) hereby order as follows:-

1. (1) This Order may be cited as the Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) (Amendment) Order, 2001.

(2) This Order shall come into operation on the 24th day of April, 2001.

(3) The Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 1989 to 2000, and this Order may be cited together as the Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 1989 to 2001.

2. The Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 2000 (S.I. No. 331 of 2000) is hereby amended -

(a) By the substitution in Article 2 of the following definition for the definition of "specified risk material" (inserted by the Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 2001 (S.I. No. 31 of 2001)):

"specified risk material" means -

(i) the skull including the brain and eyes, the tonsils, the vertebral column excluding the vertebrae of the tail, but including the dorsal root ganglia and spinal cord of bovine animals aged over 12 months, and the intestines from the duodenum to the rectum of bovine animals of all ages,

(ii) the skull including the brain and eyes, the tonsils and the spinal cord of caprine and ovine animals aged over 12 months or which have a permanent incisor tooth erupted through the gum, and

(iii) the spleen of a caprine or ovine animal,

and includes anything left attached to such material after dissection of the carcass and any animal matter which comes into contact with the material after it has been removed from the carcass;"

(b) By the addition of the following Article after Article 6:-

6A. (1) A person shall not debone cattle born before 1<sup>st</sup> January 1998 unless the premises involved has been approved in accordance with the European Communities (Fresh Meat) Regulations, 1997 (S.I. No. 434 of 1997) and has been authorised by the Minister in accordance with the provisions of this Article.

(2) The Minister may, on application by the owner or person in charge thereof, grant an authorisation to a premises for the deboning of cattle born before 1<sup>st</sup> January 1998 where he is satisfied that such premises are suitable to carry out such a function and have the facilities, equipment and staff to carry out such deboning.

(3) An application for an authorisation under this Article shall be made in such form as the Minister may specify.

(4) The Minister may, if he is not satisfied that the provisions of this Order are being or have been complied with by a person granted an authorisation under this Article or will be complied with by an applicant for such an authorisation, revoke the authorisation or refuse to grant such an authorisation.

(5) Where the Minister proposes to revoke an authorisation granted under this Article, or refuse to grant such an authorisation, he shall -

(a) notify the person concerned in writing of the proposal and of the reasons therefor,

(b) notify the person in writing that he, or a person acting on his behalf, may make representations to the Minister in relation to the proposal within 14 days of the receipt by him of the notification, and

(c) consider any such representations duly made before deciding whether to proceed with the proposal or not.

(6) Notwithstanding the other provisions of this Article, the Minister may, where he is satisfied that there is a serious and immediate risk to animal or human health, suspend without notice an authorisation granted under this Article.

L.S.

**GIVEN under my Official Seal,**

**this 20th day of April, 2001.**

**Joe Walsh,**

**Minister for Agriculture, Food and Rural Development.**

#### EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order amends the Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 2000 (S.I. No. 331 of 2000) by setting out a revised definition of specified risk material which includes the vertebral column.

